

## Bureau of Indian Affairs, Interior

## § 15.107

associated or someone who knows about the decedent's death that supports the information in paragraph (a) or (b) of this section.

### **§ 15.102 May I notify the BIA of a death if I am not related to the decedent?**

Yes. You do not need to be related to the decedent in order to notify us of the death. You can be a friend, neighbor, or any other interested party.

### **§ 15.103 When should the BIA be notified of a death?**

There is no deadline for notifying us of a death. However, you should notify us of a death as soon as possible after the person dies.

### **§ 15.104 What other documents does the BIA need to process a probate package?**

(a) You should provide us with the following documents and information before we can begin to process the probate package.

- (1) Social Security number of the decedent;
- (2) The birth certificate or other record of birth of the decedent;
- (3) All death records including those listed in § 15.101;
- (4) A list of known creditors against the estate and their addresses;
- (5) Current names and addresses of potential heirs and beneficiaries;
- (6) Any statements renouncing an interest in the estate;
- (7) Documents from a court of competent jurisdiction, including but not limited to:
  - (i) All marriage licenses of the decedent;
  - (ii) All divorce decrees of the decedent;
  - (iii) Adoption and guardianship records relevant to the decedent;
  - (iv) Any sworn statements regarding the decedent's family, including any statements of paternity or maternity;
  - (v) Any name changes; and
  - (vi) Order requiring payment of child support;
- (8) All original or certified copies of wills and codicils, and any revocations; and
- (9) Any additional documents you provide or that we request.

(b) You must inform us if any of the documents or information identified in this part are not available.

### **§ 15.105 Will the BIA wait to begin the probate process until it is notified of the decedent's death?**

No. We may find out about the death of a person without being notified by an interested party. If we do, and if the decedent meets the criteria in § 15.3, we will initiate the process to collect the necessary documentation. You should not assume that we will find out about a death. To assure timely distribution of the estate, you should notify us as provided in § 15.101.

### **§ 15.106 Can I get emergency assistance for funeral services from the decedent's IIM account?**

(a) If you are responsible for making the funeral arrangements on behalf of the family of a decedent who had an IIM account and you have an immediate need to pay for funeral arrangements prior to burial, you may make a request to the BIA for up to \$1,000 from the decedent's IIM account if the decedent's IIM account has more than \$2,500 in the account at the date of death.

(b) You must apply for this assistance and submit to the BIA an original itemized estimate of the cost of the service to be rendered and the identification of the service provider.

(c) We may approve reasonable costs up to \$1,000 that are necessary for the burial services, taking into consideration the total amount in the account, the number of probable heirs or beneficiaries of whom we are aware, the amount of any claims against the account of which we are aware, and any other relevant factor.

(d) We will make payments directly to the providers of the services.

### **§ 15.107 Who prepares an Indian probate package?**

The probate specialist or probate clerk at the agency or tribe where the decedent is an enrolled member will prepare the probate package in consultation with the probable heirs or beneficiaries who can be located.